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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,428	12/27/2001	Jules Olita	P638	1721
<div>7590 05/18/2007 Armand M. Vozzo, Jr., Esquire 19 Short Road Doylestown, PA 18901</div>			<div>EXAMINER JONES, HEATHER RAE</div>	
			<div>ART UNIT 2621</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 05/18/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/034,428	Applicant(s) OLITA ET AL.	
	Examiner Heather R. Jones	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-9, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 and 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The declaration filed on January 16, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Del Bianco et al. reference.
2. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Del Bianco et al. reference to either a constructive reduction to practice or an actual reduction to practice. The Applicant provided Figures labeled Exhibits A1 and A2, which the Examiner thinks are dated May 15, 2001, but is not sure if that is the correct date on the Figures since the dates are so small and not clearly readable. Then the Applicant states that they met with the Patent Counsel on June 13, 2001 to present their design, however there is no proof of any meeting. Furthermore, there is no proof of diligence between May 15, 2001 and June 13, 2001. Next the Applicant states they completed design specifications, and production, and assembly drawings between mid-June to mid-September and provided Exhibits B1-B5, but the dates on the drawings are July 2, 2001, May 10, 2001, September 4, 2001, and one is not dated. However, there is no proof of diligence between these dates other than what the Applicant provided for the months of August and September, which were labeled Exhibits C1-C5. Furthermore, mid-June and mid-September is too vague. Therefore, the rejection has been maintained.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 7, 8, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Del Bianco et al. (EP 1 107 041 A1) – (Please see U.S. Patent 6,859,327 for a translation. All citations are from the U.S. Patent).

Regarding claim 1, Del Bianco et al. discloses a thermal imaging system intended for use upon a helmet (2) worn by a person observing a scene at a fire or other incident site (col. 1, lines 11-15), comprising: an infrared camera means (13) assembled and releasably mounted in a stationary position along the centerline of the helmet for producing video signals reflective of thermal images of the scene viewed along the centerline (as can be seen from Fig. 5; col. 3, lines 18-24); an eyepiece display means (6) extended from the infrared camera means (13) and adjustably connected thereto for presenting thermal images of the scene to either eye of the person based on the video signals from the infrared camera means (13) (the display means covers both eyes); and bracket means (7 and 16) assembled and interconnected between the infrared camera means (13) and the helmet (2), the bracket means being axially aligned with the centerline of the helmet and releasably interlocked therealong for mounting the infrared camera means (13) in the stationary position along the centerline of the helmet (2) (col. 1, lines 11-25 - it is inherent that the camera would be placed in the centerline of the helmet because the camera is being used for the fireman to

detect the environment in order to recognize danger sites and barriers in time when vision is blocked due to heavy smoke development or darkness).

Regarding claim 2, Del Bianco et al. discloses all the limitations as previously discussed with respect to claim 1 including that the infrared camera means (13) comprises: an infrared camera (13) having a sensor array forwardly positioned to detect infrared radiation emanating from the scene for producing electrical signals indicative thereof (as can be seen in Fig. 5); signal processor means connected to receive the electrical signals from the infrared camera (13) for generating processed video signals based thereon indicative of thermal images of the scene; and battery means (29) connected to the infrared camera (13) and the signal processor means for providing electrical power thereto.

Regarding claim 7, Del Bianco et al. discloses a thermal imaging camera system intended for use upon a helmet (2) having a brim (22) and worn by a person observing a scene at a fire or other incident site (col. 1, lines 11-15), comprising: an infrared camera means (13) assembled and adapted to be mounted in a stationary position upon the brim (22) of the helmet (2) (col. 3, lines 18-24), the infrared camera means (13) being disposed to view the scene along the centerline of the helmet (2) for generating processed video signals reflective of thermal images of the scene; an eyepiece display means (6) electrically connected to the infrared camera means (13) and flexibly extended therefrom for displaying thermal images of the scene to either eye of the person based on the video signals generated from the infrared camera means (13) (the display means

covers both eyes); and bracket means (7 and 16) assembled and interconnected between the infrared camera means (22) and the brim (22) of the helmet (2), the bracket means being axially aligned with the centerline of the helmet and releasably interlocked therealong for releasably mounting the infrared camera means (13) in the stationary position along the centerline of the helmet (2) (col. 1, lines 11-25 - it is inherent that the camera would be placed in the centerline of the helmet because the camera is being used for the fireman to detect the environment in order to recognize danger sites and barriers in time when vision is blocked due to heavy smoke development or darkness).

Regarding claim 8, grounds for rejecting claim 2 apply for claim 8 in its entirety.

Regarding claim 13, Del Bianco et al. discloses a thermal imaging system intended for use upon a helmet (2) worn by a person observing a scene at a fire or other incident site (col. 1, lines 11-15), comprising: an infrared camera means (13) assembled and releasably mounted along the centerline of the helmet for producing video signals reflective of thermal images of the scene viewed along the centerline (as can be seen from Fig. 5; col. 3, lines 18-24); an eyepiece display means (6) extended from the infrared camera means (13) and adjustably connected thereto for presenting thermal images of the scene to either eye of the person based on the video signals from the infrared camera means (13) (the display means covers both eyes); and bracket means (7 and 16) releasably engaged and coupled between the infrared camera means (13) and the helmet

(2) for mounting the infrared camera means along the centerline of the helmet (2) (col. 1, lines 11-25 - it is inherent that the camera would be placed in the centerline of the helmet because the camera is being used for the fireman to detect the environment in order to recognize danger sites and barriers in time when vision is blocked due to heavy smoke development or darkness).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 3, 5, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Bianco et al. (EP 1 107 041 A1) – (Please see U.S. Patent 6,859,327 for a translation. All citations are from the U.S. Patent).

Regarding claim 3, Del Bianco et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 except that the infrared camera means further comprises housing means for containing the infrared camera, the signal processor means and the battery means in an assembled camera arrangement wherein the sensor array of the infrared camera is forwardly disposed to receive the infrared radiation emanating from the scene. Official Notice is taken that a surveillance camera housing contains all the electronic components and power components necessary to operate the camera in order to protect the components from the surrounding weather. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to combined the infrared camera means, signal processing means, and the battery means into one housing in order to minimize the camera assembly to make the camera more versatile and to protect the components from environmental conditions.

Regarding claim 5, Del Bianco et al. discloses all the limitations as previously discussed with respect to claims 1-3 including that the eyepiece display means (6) comprises an eyepiece display electrically connected to receive the processed video signals from the signal processor means for producing thermal images therefrom (col. 3, line 62 – col. 4, line 4); and an articulated arm (15) connected to the housing means and adjustably configured to extend the eyepiece display therefrom in a position forward of either eye of the person (col. 3, lines 29-31).

Regarding claim 9, grounds for rejecting claim 3 apply for claim 9 in its entirety.

Regarding claim 11, grounds for rejecting claim 5 apply for claim 11 in its entirety.

***Allowable Subject Matter***

7. Claims 4, 6, 10, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



8. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a thermal imaging camera system, in combination with all the other elements, comprising:

a. A housing means comprising: a front housing member formed having a cavity to substantially contain the assembled camera arrangement therein and further formed having a portal centrally therethrough to permit transmission of the infrared radiation emanating from the scene to the sensor array of the infrared camera; a rear housing member connected to the front housing member and formed to enclose the cavity thereof; the rear housing member being further formed to provide an interior compartment to hold the battery means; and a battery door pivotally connected to the rear housing member to close the interior compartment therein (claims 4 and 10).

b. A bracket means comprises: a first bracket member attached to the housing means in an axial direction, the first bracket member being formed having an open rectangular configuration with a C-shaped cross-section; a second bracket member attached to the helmet in an axial direction and along the centerline of the helmet, the second bracket member being formed having a rectangular configuration conformed to fit axially within the open rectangular configuration of the first bracket member; and decent means secured to the second bracket member and transversely disposed thereon to releasably interlock the first and second bracket members when axially engaged (claims 6 and 12).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

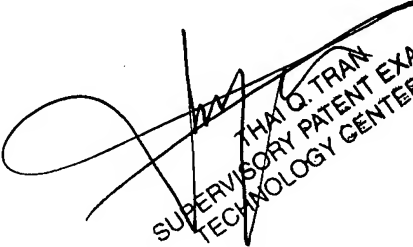
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
May 9, 2007

  
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